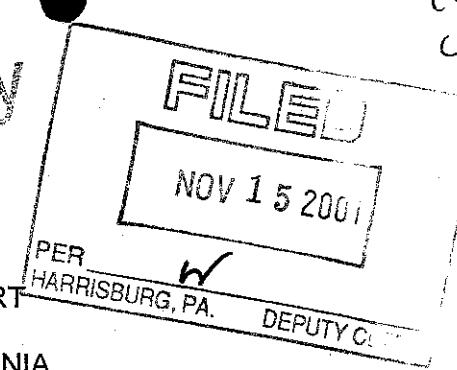


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UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

JASON ERIC BENSON,
Plaintiff

v.

THOMAS DURAN; BRUCE CLUCK;
DEBRA HANKEY; JOHN JENNINGS;
WILLIAM ORTH; RAE HIENTZELMAN;
RONALD LONG and WILLIAM ELLIEN;
BRITON SHELTON; ADAMS COUNTY
PRISON

Defendants

CIVIL ACTION

NO. 1:00-CV-01229

JUDGE CALDWELL

AFFIDAVIT OF BRITON L. SHELTON, II

1. My name is Briton L. Shelton, II and I am a former Corrections Officer at the Adams County Prison.
2. On August 27, 1999, I was on duty at the intake area of A Block of the Adams County Prison when Jason Benson returned from court.
3. Prior to leaving for court that day, Mr. Benson had earned himself a misconduct charge for inappropriate behavior.
4. When Benson returned to the prison at approximately at 11:10 a.m., I told him that he was going to be placed in administrative segregation pending a decision on his misconduct. Mr. Benson responded by asking why he was going to lock down and I explained the reason for this action.

5. Upon being notified that he was being placed in administrative segregation, Benson became verbally aggressive and loud, saying things such as "Ahh fuck all of you mother fuckers" and "this is fucking bullshit." He then directed the same type of comments to Lieutenant Jennings who was nearby. Benson then sat quietly for about three minutes until other inmates that had returned from court were strip searched.

6. After the other inmates had completed the strip search procedure, Benson was escorted back to the medical room so that he could be strip searched. Every inmate coming into the prison from the outside is subject to strip search without exception.

7. On the way to the medical room, Benson again asked me why he was getting locked down and I again explained to him that it was because of his actions and comments prior to the time that he left for court that morning. Benson then said to me "I know you're not going to be a bitch and let that get to you. You bust my balls, why can't I bust yours?" At this point, I told Benson that we needed to go into the medical room so that he could be strip searched and Mr. Benson's reply was "fuck you, I ain't getting stripped." I repeated the request and Benson again replied "fuck you." Lieutenant Jennings, who was also present, then asked Benson if he was going to comply with the strip search procedure and Benson said to him "man, fuck you." Up to this point, there was no videotaping taking place and neither the Warden nor any of the Deputy Wardens had even been informed that there was a problem at the intake area.

8. After Mr. Benson refused three requests to comply with the strip search procedure, Lieutenant Jennings left and returned with Warden Duran and Deputy Wardens Cluck and Hankey. At this point, a video camera was being operated by Warden Duran. Mr. Benson was again asked, this time by Deputy Warden Cluck, to comply with the strip search

procedure, but he again refused. Mr. Benson was then asked a final time by Lieutenant Jennings if he was going to comply with the strip search procedure and yet again he refused.

9. Up to this point in time, Mr. Benson had been asked or directed at least five or six times to comply with routine procedure. At no time, did he give any valid reason or justification why he should not or could not comply with the strip search procedure. It was my understanding and belief that he was simply refusing to cooperate because he was disgusted about receiving a misconduct for his antics prior to leaving for court earlier that day.

10. After a final request for compliance with the strip search procedure and after Mr. Benson refused, Lieutenant Jennings sprayed pepper foam in Mr. Benson's face in an attempt to get him to comply. Immediately after the pepper foam was used, Benson launched into a stream of profanity and then began banging his head on an item in the medical room. For his own protection and the protection of others, Mr. Benson was taken to the floor by Sergeant Heintzelman, Lieutenant Jennings, Deputy Warden Cluck and me.

11. After being taken to the floor and calming down a bit, Mr. Benson was placed in a shower to rinse off the pepper foam. While showering off, Benson again became verbally abusive and threatening. He then began to spit and did, in fact, spit on my forearm. It was clear to me that the spitting was intentional.

12. After Mr. Benson spit on me, he was again physically restrained and taken back to the floor until he calmed down. Mr. Benson was then placed in a spit guard and escorted to E Block by Lieutenant Jennings and Warden Duran. He then requested and was, in fact, transported to the Gettysburg Hospital to get checked out.

I declare under penalty of perjury that the foregoing is true and correct. Executed on

11/6/01, 2001.

BL Shelton

Briton L. Shelton, II

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